

**IN THE CHANCERY COURT  
FOR WASHINGTON COUNTY, TENNESSEE  
AT JONESBOROUGH**

**BOBBY MacBRYAN GREEN,**

**PLAINTIFF / PETITIONER,**

**v.**

**JODI JONES,  
HOWELL SHERROD,  
BETTY ANN POLAHA, and  
MARY LEE JONDAHL,**

**Civil Action No. 41049**

**DEFENDANTS / RESPONDENTS.**

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**MOTION TO QUASH**

1. NOW COMES Plaintiff/Petitioner, Bobby MacBryan Green, pursuant to Rule 6, Tennessee Rules of Civil Procedure, and prays the Court to quash the *Notice* for a July 6<sup>th</sup> hearing on the *Motion to Dismiss*. In support of which, Plaintiff would respectfully call the attention of the Court to the following :

2. The *Motion to Dismiss* and *Notice* were filed on 29 June 2011.

3. Although the *Motion to Dismiss*, filed on 29 June 2011, relies upon the Affidavit of Jodi Jones, that Affidavit was not filed until 30 June 2011.

4. Plaintiff is entitled to at least five business days notice of the hearing on the *Motion to Dismiss*. Monday the 4<sup>th</sup> of July is a legal holiday.

5. Plaintiff first became aware of the *Notice* on Thursday 30 June 2011.

6. Only three business days notice have been given to Plaintiff. Plaintiff has not been allowed sufficient time to research and prepare for a hearing on the *Motion to Dismiss*.

7. Until the ambiguity set forth in this paragraph is resolved, Plaintiff should not be required to further respond. ~ While from the content of Defendant Sherrod's filed *Motion to Dismiss* and *Notice* it appears that Sherrod is representing himself and all Defendants, those papers are not signed as "Attorney for Defendants Sherrod, Jones, Jondahl, and Polaha." The *Notice* is signed "Attorney for Defendant" and other papers are signed "By [signature]." Plaintiff is also now unsure of the proper mailing address to be used, because of the way Defendant Sherrod has signed his *Answer*, *Motion*, and *Notice* using his professional address rather than the address in the *Summons* and *Complaint*. Plaintiff is unable to decipher Defendant Sherrod's three *Certificates of Service* dated 29 June 2011. Without giving any identifying information, those *Certificates* state that copies have been served upon "counsel for all parties of interest ... at her office ..."

8. Therefore, Plaintiff prays that the Court quash the *Notice* for hearing on the *Motion to Dismiss*, and that the Court hear *Plaintiff's Motion for a Temporary Injunction* and *Plaintiff's Motion for Supplemental Pleadings* before hearing any *Motion to Dismiss*.

THIS THE 5<sup>TH</sup> DAY OF JULY 2011.

Respectfully submitted,

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Bobby MacBryan Green, MD  
Petitioner/Plaintiff pro se  
404 Holly Street  
Johnson City, Tennessee 37604  
423.928.1219

Affidavit and Certificate of Service : Bobby MacBryan Green, after having been duly sworn and deposed, says : I am the Plaintiff/Petitioner in this matter. On this day I served a true and accurate copy of the attached MOTION TO QUASH upon Defendant/Respondent :

Jodi Jones, 315 W. Locust Street, Johnson City, TN 37604

Mary Lee Jondahl, 313 W. Locust Street, Johnson City, TN 37604

Betty Ann Polaha, 616 W. Pine Street, Johnson City, TN 37604

Howell Sherrod, 723 W. Locust Street, Johnson City, TN 37604

as well as :

Howell Sherrod, Attorney for Defendant[s], 249 East Main Street, Johnson City, TN 37604

by placing the same in an official depository of the U.S. Postal Service, first class, postage prepaid, on this the 5<sup>th</sup> day of July 2011.

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Bobby MacBryan Green, Plaintiff/Petitioner pro se

WASHINGTON COUNTY, TENNESSEE

Bobby MacBryan green, with whom I am personally acquainted and who also produced trustworthy identification, personally appeared before me this day, and after being duly sworn, executed the above Affidavit and Certificate of Service. This the 5<sup>th</sup> day of July 2011.

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Deputy Clerk and Master